GRIC Protecting Our Communities
Addressing Domestic Violence,
Child Violence, and Sexual Violence

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Phoenix, Arizona

PROVING A DOMESTIC VIOLENCE CASE WITHOUT VICTIM TESTIMONY

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Distributed by:

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EVIDENCE BASED PROSECUTION 2019

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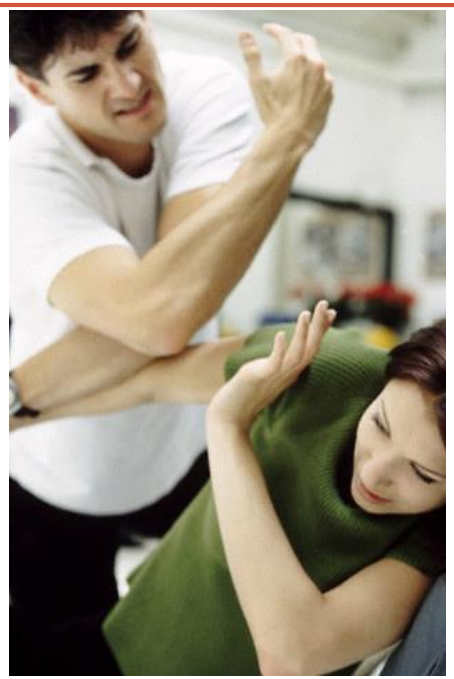

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Evidence Based Domestic Violence Prosecution

- Requires the best of the best.
- These are the hardest cases.
- If you take these cases and develop a passion for them/seek mastery of the rules of evidence and other DV dynamics you will become a hero.

What kind of HERO are you?

You should be proud to be a DV prosecutor

Nobody thanks you for the job you do.

DV cases are not for the faint of heart.

- You have to be willing to win some and lose some.

However, you will make an impact

You will defend women and children

And you may save lives

What is Evidence Based Prosecution?

- Evidence-based prosecution' (sometimes termed "victimless prosecution") refers to a **collection of techniques** utilized by prosecutors in domestic violence cases to convict abusers *without the cooperation of the victim*.

- It is practiced best by **trained prosecutors** whom rely on utilizing a **variety of evidence** to prove the guilt of an abuser *with limited or adverse participation by the abuser's victim, or even no participation at all.*

Why do we need Evidence Based Prosecution?

~80% of domestic violence victims DO NOT cooperate with the prosecution (*likely higher*).

- Bridging the Gap between the Rules of Evidence and Justice for Victims of Domestic Violence, 8 Yale JL & Feminism 359, 367 (1996)
- Brady Henderson & Tyson Stanek, Esq., Domestic Violence: from the Crime Scene to the Courtroom, Oklahoma Coalition Against Domestic Violence & Sexual Assault, 2008.

Why do a majority of victims not cooperate with prosecution?

Why do a majority of victims not cooperate with prosecution?

- If I knew the answer to this on every case I would be on a beach in Hawaii.
- In many respects, we should ask why the abuser won't stop abusing…..

You have to be ready to proceed without your victim testifying

7 Proven Evidence Based Prosecution Techniques

1. 911 calls.
2. Impeaching Your Witness / Prior Inconsistent Statements.
3. Statements to for purposes of medical diagnosis or treatment.
4. Use Direct and Circumstantial Evidence to Convict.
5. Statements to Family and Friends about domestic abuse.
6. Witness Tampering and Doctrine of Forfeiture by Wrongdoing.
7. Do Everything you can to get your victim to court.

Evidence Based Prosecution: Technique #1– 911 CALLS

Technique #1– 911 CALLS

- Order the 911 call.
- Listen to call(s)
  - – who called 911?
  - -- was it a cry for help or reporting after the fact?

Technique #1– 911 CALLS

- Admit the 911
  - A.R.S. § 13-3989.01 (lays out how to admit 911 tape without a custodian of records)
  - “The records and recordings of 911 emergency service telephone calls are admissible in evidence in any action without testimony from a custodian of records if the records and recordings are accompanied by the following signed form.”

Technique #1– 911 CALLS

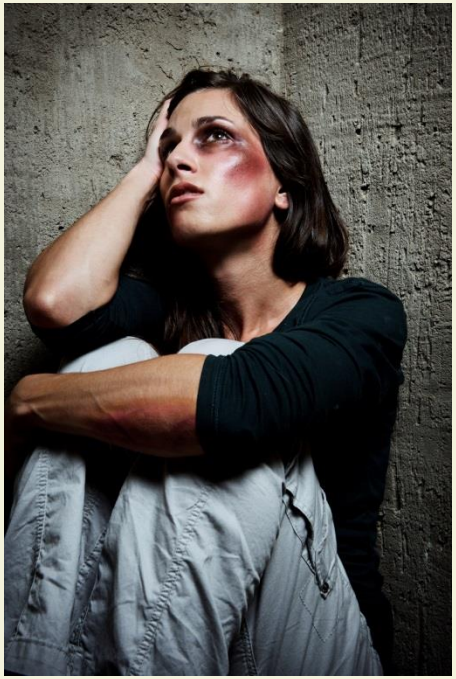
- Admit the 911
  - A.R.S. § 13-3989.01 (lays out how to admit 911 tape without a custodian of records) and then -- TWO STEP SHUFFLE --
  - 1 - Usually either Excited Utterance or Present Sense Impression
  - 2 - Testimonial or non-testimonial?

Rule 803(1) of the Arizona Rules of Evidence: Present Sense Impression

- Often comes up when 911 caller is describing what he or she is seeing happen.
- We perceive events with our ears as much as with our eyes.

Rule 803(1) of the Arizona Rules of Evidence: Present Sense Impression

Availability of the declarant (victim) is immaterial.



Rule 803(1) of the Arizona Rules of Evidence: Present Sense Impression

In *State v. Damper*, 223 Ariz. 572(Div. 1 2010), the court noted that present sense impression exception to the hearsay rule has three requirements:

(1) Statement describes or explains an event or condition; and

(2) That was perceived by the declarant; and

(3) The statement was made while declarant was perceiving the event or condition or immediately after.

Rule 803(1) of the Arizona Rules of Evidence: Present Sense Impression

- The theory behind this exception "is that substantial contemporaneity of event and statement negative the likelihood of deliberate or conscious misrepresentation."
- We assume, as a general matter, that when the declarant has had little time to reflect on the event she has perceived, her statement will be spontaneous and therefore reliable.

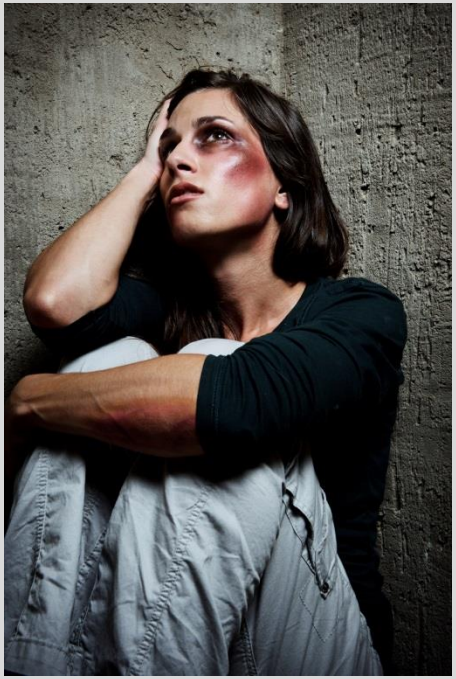
State v. Tucker 205 Ariz. 157, 165-166, 68 P.3d 110, 118 - 119 (Ariz.,2003)

Rule 803(1) of the Arizona Rules of Evidence: Present Sense Impression

- 803(1) requires some degree of contemporaneity between the event and the statement.
- How much contemporaneity has never been specified because every case is decided on its individual facts. *See* Livermore et al., *supra,* at 346 (citing cases).
- The admissibility of such statements must be judged on the totality of the circumstances. *State v. Barnes,* 124 Ariz. 586, 589-90, 606 P.2d 802, 805-06 (1980).

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

Availability of the declarant (victim) is immaterial.



Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

A Statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

The Arizona Supreme Court has stated that for this exception to apply, three things must be proven:

(1) a startling event,

(2) the words must be spoken soon afterwards,

(3) the words must relate to the startling event.

State v. Hausner, 230 Ariz. at 63; 280 P.3d 604, 802 (2012)

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

- How soon is "Soon after the event"?

- Regarding the second part, the requirement that the words be spoken "soon" after the event, **"no precise time limits after the event** can be established within which a statement will qualify as an excited utterance." Joseph M. Livermore, Robert Bartels & Anne Holt Hammeroff, 1 *Arizona Practice: Law of Evidence* § 803.2, at 348 (2000). "Lapse of time is only one factor to be considered." *State v. Barnes*, 124 Ariz. 586, 589, 606 P.2d 802, 805 (1980).

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

- The length of time between the event and the statements, however, is only one factor to be considered. *State v. Barnes,* 124 Ariz. 586, 589–90, 606 P.2d 802, 805–06 (1980).
- The time element cannot be applied in a mechanical fashion in order to determine admissibility. *See State v. Rivera,* 139 Ariz. 409, 411, 678 P.2d 1373, 1375 (1984).

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

- A time lapse is not in itself a bar to admission of the statement.
- Perhaps an accurate rule of thumb might be that where the time interval between the event and the statement is long enough to permit reflective thought, the statement will be excluded in the absence of some proof that the declarant did not in fact engage in a reflective thought process. Testimony that the declarant still appeared “nervous” or “distraught” and that there was a reasonable basis for continuing emotional upset will often suffice.

Rule 803(2) of the Arizona Rules of Evidence: Excited Utterance

- Testimony that the declarant still appeared “nervous” or “distraught” and that there was a reasonable basis for continuing emotional upset will often suffice.

- Declarant's physical and emotional condition is “the important thing”). *State v. Yslas,* 139 Ariz. 60, 65, 676 P.2d 1118, 1123 (1984)

Presence Sense Impression vs. Excited Utterance

- Trial tip: Argue both – lay the foundation for both.
- So what is the difference between Present Sense Impressions and Excited Utterances?

Presence Sense Impression vs. Excited Utterance

Present Sense Imp.		Excited Utterances
An event		A startling event
Statement must be made during or immediately after the event		Statement must be made under stress of excitement caused by event
Statement must describe or explain an event		Statement must relate to a startling event

The Two Step Shuffle

- When and if there is an admissible statement then the case may still go forward without the victim with the use of a (1) hearsay and (2) Confrontational Clause exception.

Confrontation Clause

The Sixth Amendment's Confrontation Clause provides that, "in all criminal prosecutions, the accused shall enjoy the right … to be confronted with the witnesses against him."

Confrontation Clause

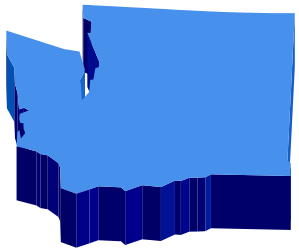
History -- 6th Amendment right to confrontation was first found to apply to the States via the 14th Amendment in 1965 (Pointer v. Texas)

Confrontation Clause

Right to confront one's accuser is a concept that dates back to Roman times.

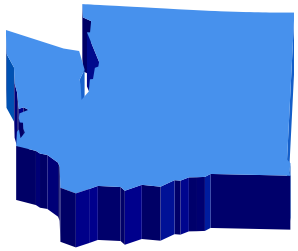
Confrontation Clause bars "testimonial" statements of a witness who does not appear for trial, unless that witness was unavailable to testify and the defendant had a prior opportunity for cross examination.

Crawford v. Washington 541 US 36 (2004)



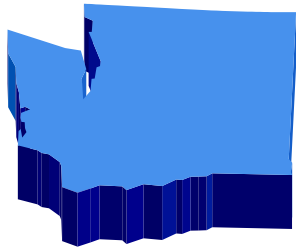
- Facts:
  1. Wife made recorded statements that incriminate husband.
  2. Wife doesn't testify at husband's trial, claiming marital privilege (unavailable).
  3. State introduced wife's statements under hearsay exception of Statement Against Penal Interest.
  4. Defendant never able to **cross examine** wife.

Crawford v. Washington 541 US 36 (2004)



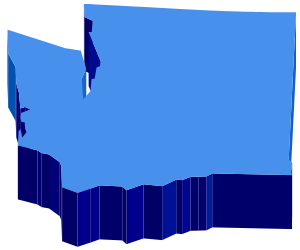
- Holding:
  1. Where non-testimonial hearsay is at issue it is wholly consistent with the framer's design to afford the States flexibility in their development of hearsay laws.
  2. Where testimonial evidence is at issue, however the 6th Amendment demands what the common law required: (1) unavailability; and (2) a prior opportunity for cross examination.

Crawford v. Washington 541 US 36 (2004)



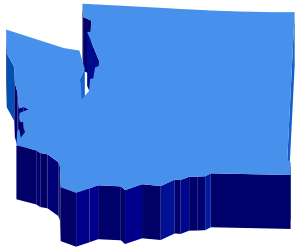
- However:
  - ‘Testimonial’ is not clearly defined.
    - At a minimum testimonial evidence includes statements made:
      - At preliminary hearing.
      - Before grand jury.
      - During a former trial.

Crawford v. Washington 541 US 36 (2004)



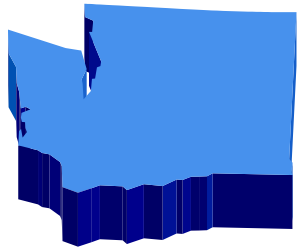
- However:
  - ‘Testimonial’ not clearly defined.
    - At a minimum testimonial evidence includes statements made:
      - Police Interrogations.
      - Affidavits
      - Prior testimony with no cross examination

Crawford v. Washington 541 US 36 (2004)

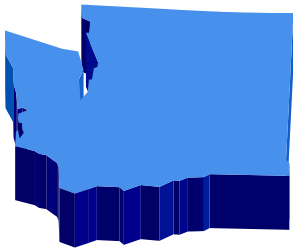


- Non-testimonial:
  - An off-hand overheard remark.
  - A casual remark to an acquaintance.
  - Business records.

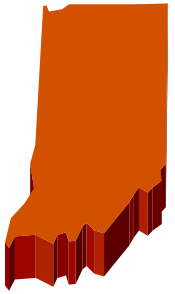
Crawford v. Washington 541 US 36 (2004)



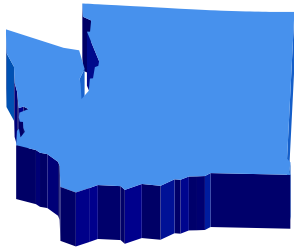
- Non-testimonial:
  - Statements in furtherance of a conspiracy.
  - Dying declarations (not clearly decided)
  - RULE OF FORFEITURE OF WRONGDOING



Davis v. Washington
Hammon v. Indiana
547 US 813 (2006)



Two companion DV cases go to the Supreme Court after Crawford where the meaning of ‘testimonial’ in two different DV cases would be dispositive.



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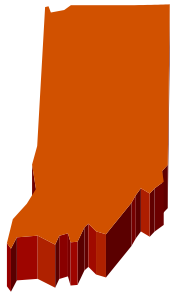
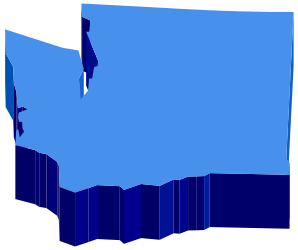
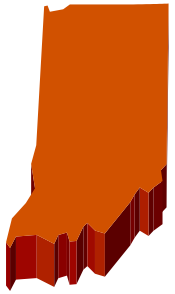


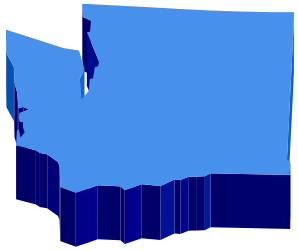
- Davis: Victim Michelle McCottry phoned 911 and made a number of statements to emergency operator while in the midst of a DV disturbance.
- Victim's statements implicated the defendant.
- At trial, the victim did not appear and the 911 call was admitted into evidence.



Davis v. Washington
Hammon v. Indiana
547 US 813 (2006)



- Hammon: Police respond to domestic disturbance. When they arrive, victim is outside by herself. There was physical evidence of a domestic fight. The victim and suspect were interviewed separately, and the victim told her side of the story and filled out a battery affidavit.
- At trial the victim did not appear and the affidavit was used to convict the defendant.



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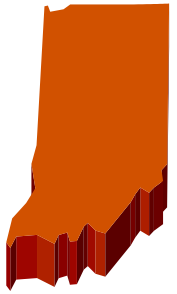
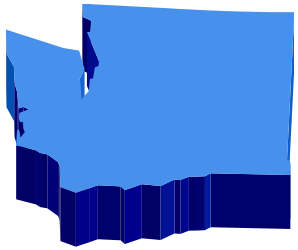


- Holding:

Statements are <u>non-testimonial</u> and are thus admissible when made in the course of a police interrogation under circumstances objectively indicating that the **primary purpose** of the investigation is to enable police assistance to meet an **ongoing emergency**.



Davis v. Washington
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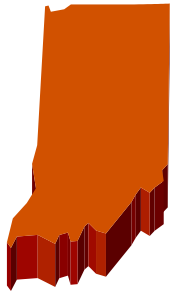
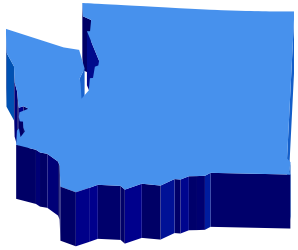


- Holding:

Statements are testimonial and inadmissible when the "circumstances objectively indicate that there is no such ongoing emergency, and that the **primary purpose** of the interrogation is to establish or prove **past events** potentially relevant to later criminal prosecution.



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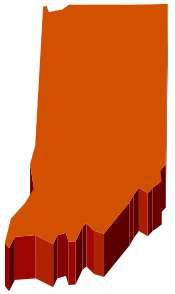


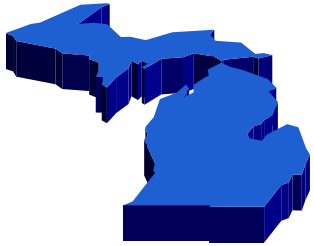
- Were the statements in Davis testimonial or non-testimonial?

--- NON-TESTIMONIAL (admissible)

- Were the statements in Hammon testimonial or non-testimonial?

--- TESTIMONIAL (inadmissible)

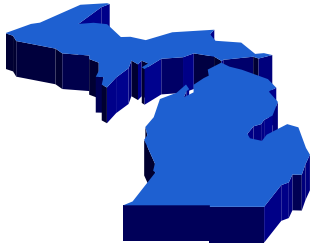
Michigan v. Bryant



FACTS:

- Bryant and Covington argued.
- Bryant shot Covington through a door.
- Covington drove himself to gas station.

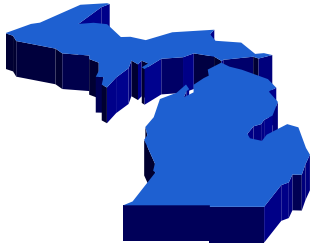
Michigan v. Bryant



FACTS:

- Police were called.
- Police questioned Covington at the gas station as to what happened.
- Covington made statements and died from the gunshot

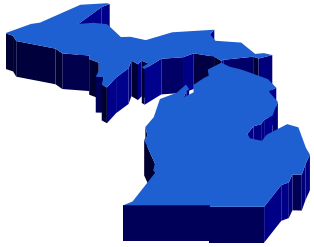
Michigan v. Bryant



Important to Note:

- Actual trial was before Crawford decision.
- When prosecutor attempted to enter Bryant's statements at trial, the defense objected.
- State said that Bryant's statements were admissible as a Dying Declaration and Excited Utterances.

Michigan v. Bryant

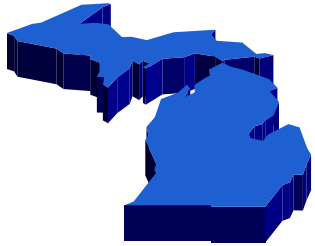


Important to Note:

- However, the prosecutor only laid the foundation for the Excited Utterances.

- Supreme Court unable to consider this as a dying declaration case.

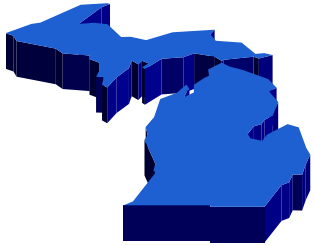
Michigan v. Bryant



Procedural History:

Since statements were made after the fact to the police, the Michigan Supreme Court, following Davis / Hammon held that Covington's statements were TESTIMONIAL…….

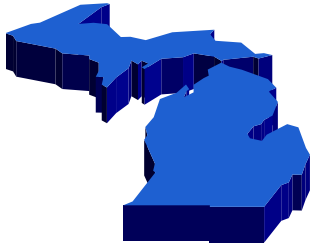
Michigan v. Bryant



Procedural History:

- The US Supreme Court held that Covington's statements were NOT TESTIMONIAL and reversed and remanded case.

Michigan v. Bryant



Whether a Statement to the Police is testimonial or not depends on:

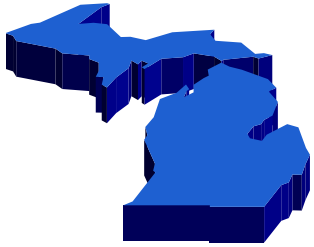
(1) The Primary Purpose of the interrogator; and

(2) Circumstances objectively indicate an ongoing emergency; and

(3) Formality of the statements to the police; and

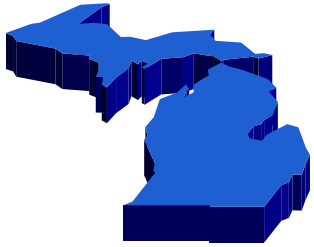
(4) Any and all other circumstances.

Michigan v. Bryant



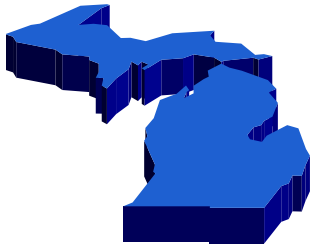
Remember in Davis / Hammon – statements to the police, **after the emergency** was over were testimonial.

Michigan v. Bryant



The court reasoned that since a gun was used, the shooter was presumably loose, this was an ongoing emergency.

Michigan v. Bryant
(a game changer?)



(Majority)

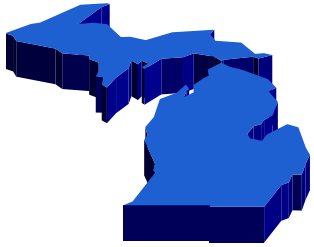
Police are likely to have mixed motives (Primary Purpose) – those to collect evidence for trial, and those to protect public with unknown shooter loose.

(1) Protect themselves

(2) Protect the public

(3) Preserve Evidence

Michigan v. Bryant

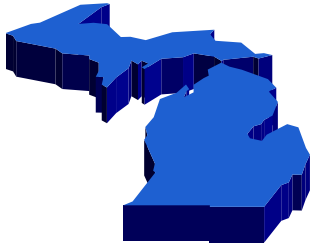


Victims may have mixed motives:

(1) Excited Utterance best:

"statements made as excited utterances presumably lack the TESTIMONIAL PURPOSE that would subject them to the requirement of confrontation."

Michigan v. Bryant



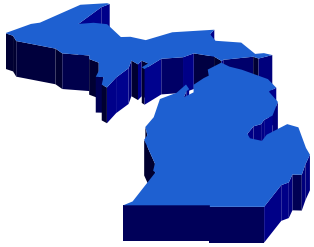
Ongoing Emergency factors:

(1) Scope of potential victims (not good for DV cases).

(2) Type of weapon used.

(3) Extent of Injuries

Michigan v. Bryant



Ongoing Emergency factors:

(4) Location.

(5) Magnitude of response.

(6) Ongoing stream of information.

(7) Passage of time.

What We Know

- **Testimonial** statements that haven't been subject to cross examination are not coming in. Period.

- **Non-Testimonial** statements not subject to cross examination are admissible subject to hearsay rules.

What We Know (Primary Purpose)

- To determine whether testimonial or non-testimonial, use the **Primary Purpose** test as modified by Bryant.
  - Do an objective analysis of:
    - **The circumstances of the encounter**
      - Did the interrogation occur at or near the scene or at or near the police station?
      - During an ongoing emergency or afterwards?
    - **The statements AND actions of the parties**
      - Not subjective or actual purpose of the individuals.
      - The purpose that reasonable participants would have have ascertained from the individual statements and actions and the circumstances in which the encounters occurred.

What We Know

- To determine whether testimonial or non-testimonial, use the **Primary Purpose** test as modified by Bryant.

- Marshal all facts that show lack for formality, emergency, cry for help, or statements made to non-law enforcement to demonstrate non-testimonial.

Hearsay – what is it and how to use it.

- 801(d) Admissions by party opponent:
  - Anything statement that is relevant and makes your defendant look guilty.
  - If defendant tries to admit his own statements under this theory – he can't as defendant is not a party opponent.
  - Admissible BOTH as IMPEACHMENT and SUBSTANTIVE evidence against the defendant

Evidence Based Prosecution: Technique #2– Impeaching Your Witness / Prior Inconsistent Statements

Technique #2– Prior Inconsistent Statements

- 801(d) Prior Inconsistent statements
  - Practical tip: know all of your witnesses' statements and who they were made to.
  - Confront with prior statement and be ready to impeach through another witness or piece of evidence.

Technique #2– Prior Inconsistent Statements

- Rule 801(d)(1)(A)
  - Inconsistent statements are NOT hearsay by definition
  - Declarant must:
    - 1– testify and be subjected to cross examination.
    - 2– the prior statement must be inconsistent with the declarant's testimony.

When Your Victim Testifies

JURY SELECTION

- Prepare them for recantation/minimization
- Raise issue: If victim doesn't care, why should I?

When Your Victim Testifies

JURY SELECTION

- Raise issue: Why is this case going forward even if victim doesn't want it to?
- Raise issue: What if victim doesn't appear?
- Who believes stranger crimes are more serious than crimes in the family?

OPENING STATEMENT

- Don’t Promise Anything
- Concede you don’t know what the victim will say
- Tell the story but don’t say “the victim will tell you”
- Remember: You have no idea what the victim will do
- Highlight injuries, 911 call, demeanor

When Your Victim Recants

- Show jury recantation is false and that the ORGINIAL STATEMENT to the police is true.
  - Do this through corroborating evidence that substantiates the victim's ORGINIAL STATEMENT

When Your Victim Recants

- Show jury recantation is false and that the ORGINIAL STATEMENT to the police is true.
  - Show jury what has happened since the DV offense to make the victim change story.
  - Consider using an expert witness for this.

When Your Victim Recants

IMPEACHMENT AVENUES TO EXPLORE:

- Has Victim had contact with Defendant?
- Have they reconciled?
- Do they have children?

When Your Victim Recants

IMPEACHMENT AVENUES TO EXPLORE:

- Does Defendant help with bills?
- Does the Victim still love Defendant?
- Statements made to officer?
- Statements made on 911?
- Photographs

Recanting or minimizing victim:

Recanting = different story

Minimizing = modified story

****** Must disclose new information to defense ******

Prepare to impeach victim with prior statement:

- ***May do directly with victim***

- ***Always have backup plan; subpoena officer who took original statement***

DIRECT EXAMINATION

- Start slow to see what Victim is going to do
- No matter what Victim does, remember that person is your witness – don’t be hostile

DIRECT EXAMINATION

- Have a plan and be methodical and organized:
  - Victim testifies truthfully
  - Victim plays I don't remember game
  - Victim offers a different account
  - Remember your hearsay exceptions: Prior inconsistent statement, recorded recollection
  - Feigning memory loss

Evidence Based Prosecution: Technique #3– Statements to for purposes of medical diagnosis or treatment

Technique #3– Statements to for purposes of medical diagnosis or treatment

- Rule 803(4):

  "statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment."

Technique #3– Statements to for purposes of medical diagnosis or treatment

- The rationale underlying the Rule 803(4) exception for statements made for purposes of treatment or diagnosis is that doctors will seek and patients will give reliable information to further necessary medical treatment.

  State v. Robinson 153 Ariz. 191, 199, 735 P.2d 801, 809 (Ariz.,1987)

Technique #3– Statements to for purposes of medical diagnosis or treatment

- Under the broad language of the rule, the statement "need not have been made to a physician. **Statements to hospital attendants, ambulance drivers, or even members of the family might be included."**
  - Morris K. Udall et al., *Law of Evidence* § 129, at 279 (3d ed. 1991) (quoting Federal Advisory Committee's Note, Rule 803, Exception (4))

Technique #3– Statements to for purposes of medical diagnosis or treatment

Statements made to ____ admitted under Rule 803(4):

1. Counselor– State v. Rushton 172 Ariz 454 (Div. 1 1992)
2. Psychologist – State v. Robinson 153 Ariz 191 (1987)
3. Social Worker (psychiatric) – Matter of Juv. Dep.. 162 Ariz 601 (Div. 2 1990)
4. SANE Nurse – State v. Lopez 217 Ariz 433 (Div. 2 2008)
   - Arizona Rules of Evidence 803(4)
5. SANE Nurse – State v. Hill 236 Ariz 162 (Div. 1 2014)
   - Confrontation Clause

Technique #3– Statements to for purposes of medical diagnosis or treatment

- Two-part test to aid in deciding whether the proffered statements are reasonably pertinent to diagnosis or treatment:
  - (1) was the declarant's apparent "motive ... consistent with receiving medical care;" and
  - (2) was it "reasonable for the physician to rely on the information in diagnosis or treatment."

    State v. Robinson 153 Ariz. 191, 199, 735 P.2d 801, 809 (Ariz.,1987)

Technique #3– Statements to for purposes of medical diagnosis or treatment

- General Rule is that ID not admissible under 803(4):

- We recognize that the identity of the victim's assailant and other statements attributing fault ordinarily are inadmissible under Rule 803(4) because identity and fault usually are not relevant to diagnosis or treatment.

Technique #3– Statements to for purposes of medical diagnosis or treatment

- General Rule is that ID not admissible under 803(4):
- This general rule, however, is inapplicable in many child sexual abuse cases because the abuser's identity *is* critical to effective diagnosis and treatment.
- “The exact nature and extent of the psychological problems which ensue from child [sexual] abuse often depend on the identity of the abuser.”

  State v. Robinson 153 Ariz. 191, 200, 735 P.2d 801, 810 (Ariz.,1987)

Technique #3– Statements to for purposes of medical diagnosis or treatment

- General Rule is that ID not admissible under 803(4):
- Furthermore, effective treatment may require that the victim avoid contact with the abuser, not just to prevent further abuse, but also to facilitate recovery from past abuse. State v. Robinson 153 Ariz. 191, 200, 735 P.2d 801, 810 (Ariz.,1987)
- Safety Plans! Argue this!

Technique #3– Statements to for purposes of medical diagnosis or treatment

- What about Crawford, are 803(4) statements testimonial or non-testimonial?

- “The question of whether a statement is testimonial ‘is a factually driven inquiry and must be determined on a case-by-case basis.’ “ *State v. Alvarez,* 213 Ariz. 467, 471, ¶ 14, 143 P.3d 668, 672 (App.2006)

Technique #3– Statements to for purposes of medical diagnosis or treatment

- What about Crawford, are 803(4) statements testimonial or non-testimonial?
- What was the primary purpose of the statement?
- The victim's statement was made to a medical professional.
- Victim seeking to receive medical aid in the form of diagnosis or treatment.

Evidence Based Prosecution: Technique #4– Use Direct and Circumstantial Evidence to Convict

Technique #4– Use Direct and Circumstantial Evidence to Convict

RAJI STANDARD CRIMINAL 24 – DIRECT AND CIRCUMSTANTIAL EVIDENCE

"Evidence may be direct or circumstantial. Direct evidence is the testimony of a witness who saw, heard, or otherwise sensed an event."

"Circumstantial evidence is the proof of a fact or facts from which you may find another fact. The law makes no distinction between direct and circumstantial evidence."

Technique #4– Use Direct and Circumstantial Evidence to Convict

Direct Evidence:

- Jailhouse snitch who testifies that defendant told him he committed the crime.
- Eyewitness testimony
- Confession
- Ear-witness
- Jail call where defendant admits to crime.

Technique #4– Use Direct and Circumstantial Evidence to Convict

- Circumstantial evidence alone is sufficient to convict.

- Direct evidence, though, is not necessary to support a criminal conviction; circumstantial evidence alone is sufficient. – State v. Bible, 175 Ariz. 549 (1993)

Technique #4– Use Direct and Circumstantial Evidence to Convict

- Circumstantial Evidence often shows intent

- If you think about we use circumstantial evidence all the time to show intent – often in contradiction to what defendant says…….. State v. Dusch, 17 Ariz. App. 286 (1972)

Technique #4– Use Direct and Circumstantial Evidence to Convict

- Circumstantial Evidence often shows state of mind.

- A defendant's state of mind can be shown by circumstantial evidence. State v. Bearup, 221 Ariz 123 (2009)

Technique #4– Use Direct and Circumstantial Evidence to Convict

- In prosecution for first-degree murder, the state may use all the circumstantial evidence at its disposal in a case to prove **premeditation**, and that such evidence might include, among other things, the acquisition of a weapon by the defendant before the killing. State v. Lehr, 227 Ariz 140 (2011)

Technique #4– Use Direct and Circumstantial Evidence to Convict

- We have long held that where the existence of **premeditation** is in issue, evidence of previous quarrels or difficulties between the accused and the victim is admissible. *Sparks v. State,* 19 Ariz. 455, 171 P. 1182 (1918); *Leonard v. State,* 17 Ariz. 293, 151 P. 947 (1915).

- If not premeditation – think 404(b)……

Technique #4– Use Direct and Circumstantial Evidence to Convict

Rule 404(b) – In *Leonard* we upheld the admission of evidence of trouble between the defendant and the victim four years before the homicide there at issue.

Technique #4– Use Direct and Circumstantial Evidence to Convict

Evidence of prior trouble between the victim and the accused derives its relevance from **the fact that the existence of prior ill will toward the victim not only renders the commission of the crime more probable**, but tends to show the malice, motive or premeditation of the accused. *Leonard v. State, supra; State v. Denny,* 27 Ariz.App. 354, 555 P.2d 111 (1976). State v. Jeffers 135 Ariz. 404, 418-419, 661 P.2d 1105, 1119 - 1120 (Ariz.,1983)

Technique #4– Use Direct and Circumstantial Evidence to Convict

Earlier abuse, or **threats of abuse**, intended to dissuade the victim from resorting to outside help would be highly relevant to this inquiry.

Giles v. California

Technique #4– Use Direct and Circumstantial Evidence to Convict

- Search warrants, letters to show defendant lives in home, deeds, rental agreements, online service agreements, credit card statements, etc. State v. Villalobos Alvarez, 155 Ariz 244 (1987)

Technique #4– Use Direct and Circumstantial Evidence to Convict

DO NOT forget to examine the Defendant's statements!!

- How do his words square with the physical evidence?
- Are they consistent with witness or victim statements?
- He will likely make several statements too.

Technique #4– Use Direct and Circumstantial Evidence to Convict

Review what evidence the police gathered:

Photos

Statements (train police to records these)

Witnesses (present or neighbors)

911 call

Court orders

Technique #4– Use Direct and Circumstantial Evidence to Convict

Bottom line: Circumstantial Evidence can prove anything direct evidence can prove.

Evidence Based Prosecution: Technique #5– Statements to Family and Friends about domestic abuse

Technique #5– Statements to Family and Friends about Domestic Abuse

What other evidence will likely be out there?

- Victims usually talk to either friends or family about what happened.
- Statements to friends or family about prior acts of violence.

Technique #5– Statements to Family and Friends about Domestic Abuse

Remember the victim makes numerous statements about the same event:

- On the 911 call
- To the first responder
- To her neighbor
- To her mother
- To the Detective

Technique #5– Statements to Family and Friends about Domestic Abuse

Know the differences and similarities of each statement.

Technique #5– Statements to Family and Friends about Domestic Abuse

Know the victim's demeanor during each of her statements.

- Afraid / Frightened
- Nervous
- Difficulty Speaking
- Shaking / Crying
- Shortness of Breath
- Excited

Technique #5– Statements to Family and Friends about Domestic Abuse

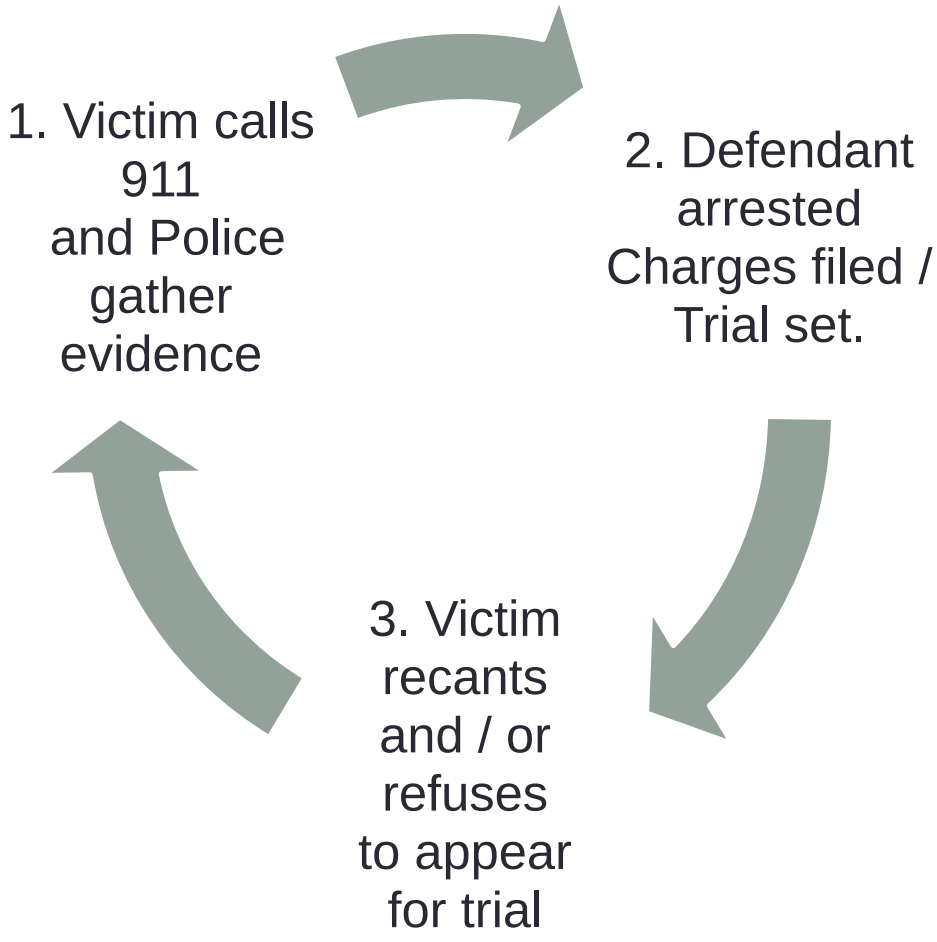
Know the length of time between the event and the timing of the victim's statements.

Evidence Based Prosecution: Technique #6– Be Prepared for Witness Tampering and Doctrine of Forfeiture by Wrongdoing

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

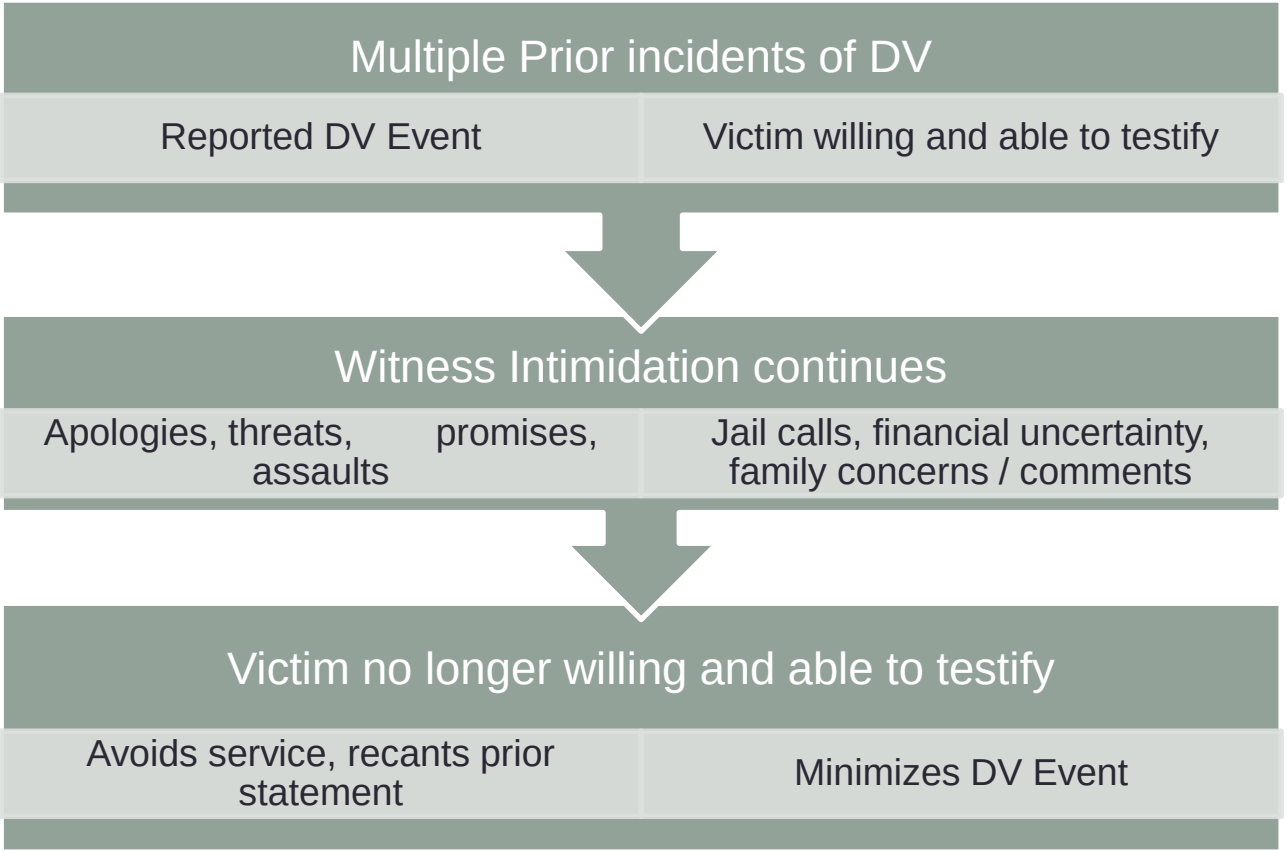
POWER AND CONTROL does not end with the defendant being arrested. In fact, it tends to continue and increase after arrest and until the termination of the case.

Witness Tampering and Doctrine of Forfeiture by Wrongdoing



Domestic violence is not a one-time only crime.
Oprah: “He will hit you again.”

Domestic violence is not a one-time event



Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- What are the factual reasons that a victim or witness refuse to appear at trial?
- In DV cases you must think past traditional mobster or gangster witness threats intimidation.

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Common Misconception:
- Media has done a great job illustrating victim intimidation by mobsters and gangsters.
- There is a lack of understanding regarding victim intimidation in DV cases.
- Criminal Justice system uses great resources to protect witnesses in gang / organized crime cases.

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Factors Related to Increased Risk of Intimidation
  - The violent nature of the initial crime.
  - Previous personal connection to the defendant.
  - Geographical proximity to the defendant.
  - Cultural vulnerability – membership in easily victimized groups, such as the elderly, children, or recent or illegal immigrants.
    - National Institute of Justice, Victim & Witness Intimidation, 1995

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- We can do a better job at recognizing witness intimidation in DV cases.
- Right now we usually only know about intimidation when the intimidation isn't successful!

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- The person (victim) most likely to be in possession of evidence of witness tampering / intimidation may not know it!
- Because of this, many victims never report the illegal activity.

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

Most explicit acts of intimidation take place where police exert little control; at the witness's home, school, or work or while the witness is running errands or socializing.

Fyfe & McKay 2000

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Recognize these common methods and modes of witness intimidation in DV cases:
  - Custody of children
  - Child Support
  - Threat of protracted litigation

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Recognize these common methods and modes of witness intimidation in DV cases:
  - Stalking
  - Homicide

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- Common methods and modes of witness intimidation in DV cases:
  - Threats -- prior and subsequent
  - Assaults – prior and subsequent
  - Threats and assaults to 3rd party
  - Criminal Damage

Witness Tampering and Doctrine of Forfeiture by Wrongdoing

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- Common methods and modes of witness intimidation in DV cases:
  - Jail calls
  - Immigration
  - Flowers

Jail Calls


INFO
MORE VIDEOS
SHARE
00:00
Jailhouse calls doom domestic abusers
Source: CNN

Jail Calls

researchnews.osu.edu THE OHIO STATE UNIVERSITY
RESEARCH NEWS
Research Communications, 1125 Kinnear Road, Columbus, OH 43212-1153
Phone (614) 292-8384, Fax (614) 247-8271

JAILHOUSE PHONE CALLS REVEAL WHY DOMESTIC VIOLENCE VICTIMS RECANT

"The existing belief is that victims recant because the perpetrator threatens her with more violence. But our results suggest something very different," said Amy Bonomi, lead author of the study and associate professor of human development and family science at Ohio State University.

http://researchnews.osu.edu/archive/vicrecant.htm

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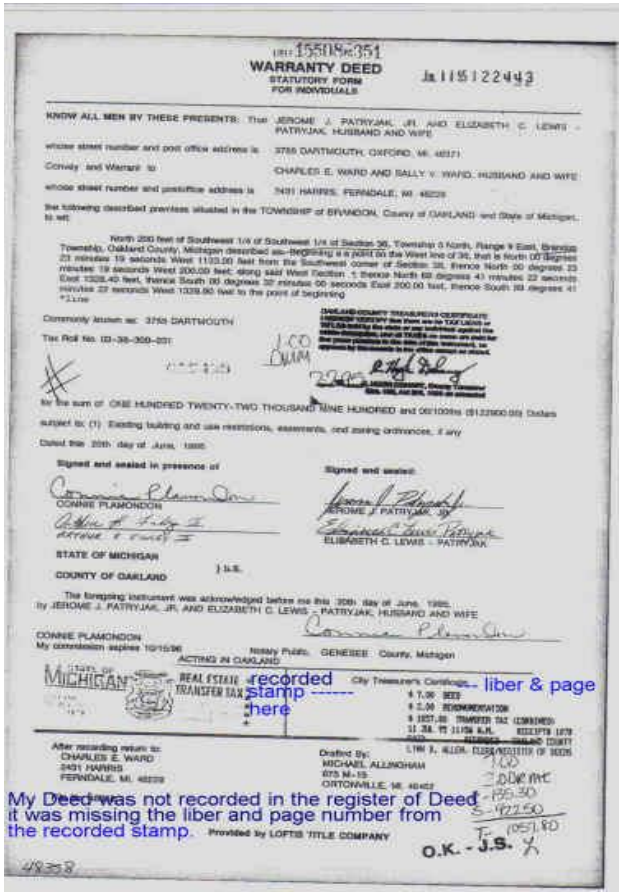
JAILHOUSE PHONE CALLS REVEAL WHY DOMESTIC VIOLENCE VICTIMS RECANT

"Perpetrators are not threatening the victim, but are using more sophisticated emotional appeals designed to minimize their actions and gain the sympathy of the victim. That should change how we work with victims."

http://researchnews.osu.edu/archive/vicrecant.htm

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- Common methods and modes of witness intimidation in DV cases:
  - Plea for forgiveness
  - “Keeping the family together”
  - If you tell, it will ruin my career.
  - Social media and text messages

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- Common methods and modes of witness intimidation in DV cases:
  - Court manipulation
  - 3rd party interference
  - Loss of home



LIBER 15508 PAGE 351

WARRANTY DEED
STATUTORY FORM
FOR INDIVIDUALS

Jx 115122443

KNOW ALL MEN BY THESE PRESENTS: That JEROME J. PATRYJAK, JR. AND ELIZABETH C. LEWIS - PATRYJAK, HUSBAND AND WIFE

whose street number and post office address is 3785 DARTMOUTH, OXFORD, MI. 48371

Convey and Warrant to CHARLES E. WARD AND SALLY V. WARD, HUSBAND AND WIFE

whose street number and postoffice address is 7431 HARRIS, FERNDALE, MI 48220

the following described premises situated in the TOWNSHIP of BRANDON, County of OAKLAND and State of Michigan, to wit:

North 200 feet of Southwest 1/4 of Southwest 1/4 of Section 36, Township 5 North, Range 9 East, Brandon Township, Oakland County, Michigan described as--Beginning at a point on the West line of 36, that is North 00 degrees 23 minutes 19 seconds West 1103.00 feet from the Southwest corner of Section 36; thence North 00 degrees 23 minutes 19 seconds West 200.00 feet; along said West Section 1; thence North 89 degrees 41 minutes 22 seconds East 1328.40 feet, thence South 00 degrees 32 minutes 00 seconds East 200.00 feet, thence South 89 degrees 41 minutes 27 seconds West 1329.80 feet to the point of beginning

Commonly known as: 3785 DARTMOUTH

Tax Roll No. 02-36-300-031

for the sum of ONE HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED and 00/100ths ($122900.00) Dollars

subject to: (1) Existing building and use restrictions, easements, and zoning ordinances, if any

Dated this 20th day of June, 1996

Signed and sealed in presence of

CONNIE PLAMONDON

Signed and sealed:

JEROME J. PATRYJAK, JR.

ELIZABETH C. LEWIS - PATRYJAK

STATE OF MICHIGAN
} s.s.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 20th day of June, 1996, by JEROME J. PATRYJAK, JR. AND ELIZABETH C. LEWIS - PATRYJAK, HUSBAND AND WIFE

CONNIE PLAMONDON
My commission expires 10/15/96

Notary Public, GENESEE County, Michigan
ACTING IN OAKLAND

STATE OF MICHIGAN
REAL ESTATE TRANSFER TAX

recorded stamp ------ here

-- liber & page

City Treasurer's Certificate

After recording return to:
CHARLES E. WARD
2431 HARRIS
FERNDALE, MI. 48220

Drafted By:
MICHAEL ALLINGHAM
875 M-15
ORTONVILLE, MI. 48462

My Deed was not recorded in the register of Deed it was missing the liber and page number from the recorded stamp.

Provided by LOFTIS TITLE COMPANY

O.K. - J.S.

4838

- Witness tampering is most common DV & Child Abuse crime – yet it is hardly ever recognized, raised, or charged.
- Common methods and modes of witness intimidation in DV cases:
  - Loss of income
  - Loss of what's familiar
  - Divorce

Marriage License

State of Washington, County of King

To any person legally authorized to solemnize marriages:

The following named individuals have applied for a marriage license in accordance with R.C.W., Chapter 26.04, and you are hereby authorized to solemnize the marriage of:

DANIEL SAVAGE and AMY JOAN JENNIGES

March 08, 2004 (Date (not to be before)) between May 06, 2004 (Date (Not to be after))

Solemnization is not authorized unless it occurs between these dates.
You are required by law to return the Washington State Department of Health Certificate of Marriage form to King County within thirty days after solemnizing the marriage.

License is not valid outside the State of Washington.

20040305700016

Witness my hand and official seal

Ronald C. Sims
King County Executive

King County NOTARY SEAL

By Dean C. Logan
Dean C. Logan
King County
Records, Elections and Licensing Services Division

This copy to be retained by person performing ceremony.

HISTORY OF THE FORFEITURE BY WRONGDOING DOCTRINE

Lord Morley's Case

1666

LORD MORLEY'S CASE

"The accused has a right to trial at which he should be confronted with the witnesses against him; but if a witness is absent by his own wrongful procurement, he cannot complain if competent evidence is admitted to supply the place of that he has kept away."

Lord Morley's Case, 6 St Trls 770 (1666) England.

Reynolds v. United States 98 US 145 (1878)

- 1st US Supreme Court case on forfeiture by wrongdoing.
- After hearing testimony that the suggested that the defendant had kept his wife away from home so she could not be subpoenaed to testify, the trial court permitted the government to introduce the testimony of the defendant's wife from a previous trial.
- No one should be permitted to take advantage of his wrong, an dis "the outgrowth of a maxim based on the principles of common honesty."

Reynolds v. United States
98 US 145 (1878)

“The Constitution gives the accused the right to a trial at which he should be confronted with the witnesses against him; but if a witness is absent by his own wrongful procurement, he cannot complain if competent evidence is admitted to supply the place of that which he has kept away.”

Reynolds v. United States
98 US 145 (1878)

"The Constitution does not guarantee an accused person against the legitimate consequences of his own wrongful acts. It grants him the privilege of being confronted with the witnesses against him; but if he voluntarily keeps the witnesses away he cannot insist on his privilege. If, therefore, when absent by his procurement, their evidence is supplied in some lawful way, he is in no condition to assert his constitutional rights have been violated."

Crawford v. United States 541 US 36, 62 (2004)

- Supreme Court acknowledged the existence of the rule of forfeiture of wrongdoing.

- Supreme Court said that FBW extinguishes confrontation claims on essentially equitable grounds.

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- Many different groups petitioned the Supreme Court in this case to give greater flexibility in the use of testimonial evidence for DV cases.
- Supreme Court acknowledged: This particular type of crime is notoriously susceptible to intimidation or coercion of the victim to ensure that she does not testify at all.
- When this occurs, the Confrontation Clause gives the criminal a windfall.

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- “But when defendants seek to undermine the judicial process by procuring or coercing silence from witnesses and victims, the Sixth Amendment does not require courts to acquiesce.”

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- "While defendants have no duty to assist the State with proving their guilt, they do have the duty to refrain from acting in ways that destroy the integrity of the criminal – trial system."

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- “We reiterate what we said in Crawford: that the “rule of forfeiture by wrongdoing …. extinguishes confrontation claims on essentially equitable grounds.”

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- “That is, one who obtains the absence of a witness by wrongdoing forfeits the constitutional right to confrontation.”

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- "Federal courts using the Federal Rule of Evidence 804(b)(6), which codifies the forfeiture doctrine, have generally held the Government to the preponderance of the evidence standard."

- AZ Rules follow the Federal Rules of Evidence unless there is a deliberate departure from them.

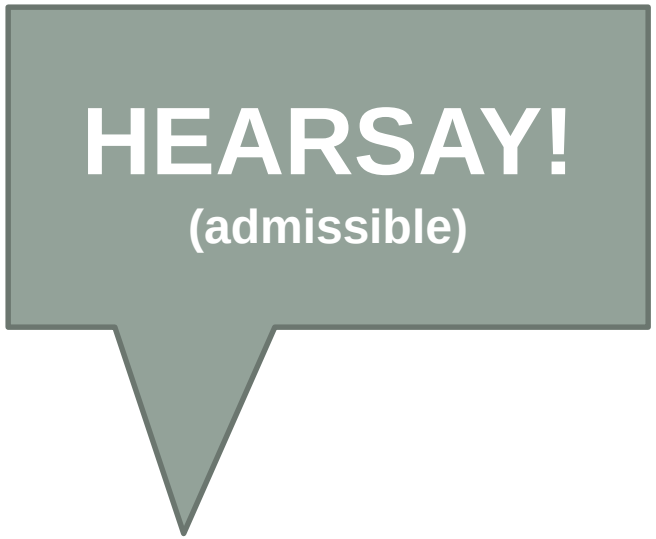
Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- "… if a hearing on forfeiture is required …. hearsay evidence, including the unavailable witness's out of court statements, may be considered"

HEARSAY!
(admissible)

Davis v. Washington
Hammon v. Indiana
547 US 813, 832-834 (2006)

- “Crawford, …. did not destroy the ability of the courts to protect the integrity of their proceedings.”



Giles v. California
128 S. Ct. 2678 (2008)

Earlier abuse, or threats of abuse intended to dissuade the victim from resorting to outside help would be HIGHLY RELEVANT to this inquiry *(forfeiture by wrongdoing)* , as would evidence of ongoing criminal proceedings at which the victim would be important to testify.

Giles v. California
128 S. Ct. 2678 (2008)

Where such an abusive relationship culminates in murder, the evidence may support a finding that the crime expressed the intent to isolate the victim and stop her from reporting abuse to the authorities or cooperating with a criminal prosecution rendering her prior statements admissible under the forfeiture doctrine.

Giles v. California
128 S. Ct. 2678 (2008)

No case or treatise that we have found however, suggested that a defendant who committed wrongdoing forfeited his confrontation rights but not his hearsay rights.

This means that when judge makes finding that defendant forfeited his right to confrontation, that finding also includes to object to admissibility on hearsay grounds as well.

Giles v. California
128 S. Ct. 2678 (2008)

"The element of intention would normally be satisfied by the intent inferred on the part of the domestic abuser in the classic abusive relationship, which is meant to isolate the victim from outside help, including the aid of law enforcement and judicial process. If the evidence for admissibility shows a continuing relationship of this sort, it would make no sense to suggest that the oppressing defendant miraculously abandoned the dynamics of abuse the instant before he killed his victim, say in a fit of anger." --Souter's concurrence

Giles v. California
128 S. Ct. 2678 (2008)

Forfeiture by wrongdoing is one of two exceptions to the Confrontation Clause that existed during the founding of our country.

However – Giles limits forfeiture by wrongdoing to only those cases where the defendant's conduct was designed to keep the witness away from trial AND the witness does not appear for trial.

Gatlin v. United States (DC 2007)

Court rejected defendant's argument for heighten standard of proof, post-Crawford, declaring that a preponderance standard was appropriate.

People v. Santiago (NY SUP CT 2003)

Prosecutor sought admission of battered woman's out-of-court and grand jury testimony alleging ten years of severe violence by her common law husband. The court found defendant's blatant witness intimidation caused her recantation, the victim's prior statements would be allowed at trial under the FBW doctrine.

People v. Santiago (NY SUP CT 2003)

- Defendant calls Victim and tells her how much he loves her, how much he wants to see her again, and how bad it is in jail….
  - HOLDING: The hallmark of DV cases is hope for a brighter future with the abuser held by the victim, who is weakened by past abuse and seduced by untrustworthy gestures of love.

People v. Byrd
51 Ad 3d 267

- Defendant calls Victim and tells her how much he loves her, said he was sorry and wanted to stay together as a family.
  - HOLDING: Standard met.

People v. Byrd
51 Ad 3d 267

- Defendant calls Victim 59 times from jail – content not clear but no threats made. Long DV history.
  - HOLDING: People proved defendant wrongfully made use of his relationship with the victim to pressure her not to testify.

State v. Valencia
186 ARIZ. 493, 498 (APP. 1996)

"Waiver by Misconduct" – Arizona's common law rule

"If a defendant silences a witness by violence or murder, the defendant cannot assert his Confrontation Rights in order to prevent the admission of prior testimony from that witness."

State v. Valencia
186 ARIZ. 493, 498 (APP. 1996)

Standard of proof for forfeiture hearings: Preponderance of the Evidence.

“Prior to admitting testimony pursuant to this principle, the trial court must hold a hearing at which the government has the burden of proving by a preponderance of the evidence that the defendant was responsible for the witness’s absence.”

State v. Prasertphong
210 ARIZ. 496, 502 (2005)

With a judicial finding of wrongdoing, Defendant waives both his Confrontation Rights and any hearsay objection.

“Under this doctrine, if the defendant is responsible for silencing a witness, the defendant is deemed to have waived both his Confrontation Clause and his hearsay objections to the admission of that witness’s statements.”

State v. King
212 ARIZ. 372, 389 (APP 2006)

We note that courts recognize a forfeiture by wrongdoing analysis by which a trial court may find defendant has forfeited his right to Confrontation if the State establishes that the defendant procured or induced the unavailability of the witness.

State v. Franklin
232 ARIZ. 556 (Div. 1 2013)

Wrong doing does not have to be threats.

Can be jail calls encouraging victim not to show up.

New 804(b)(6) in Arizona

New Rule Effective January 2010– Rule 804(b)(6): Witness Unavailable, Hearsay exception:

A statement offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.

New Rule 804(b)(6)common law

804(b)(6) broken down:

- Statement offered against a party
- Where that party has engaged or acquiesced in wrongdoing
- The wrongdoing was intended to and did procure the unavailability of the declarant as a witness

How to put on a forfeiture by wrongdoing hearing

1. Police should collect evidence relevant to FBW during initial police visit.
    - prior abuse and threats will be “highly relevant” when victim fails to appear in the current case.
    - Note these factors in the police report.
    - Other potential factors previously mentioned should be documented as well.
    - Remember around 90% or greater will not cooperate
2. Listen to jail calls.
3. Look for other non-police witnesses (evidence based prosecution)

How to put on a forfeiture by wrongdoing hearing

4. Police should disclose evidence of wrongdoing as it is discovered. A close relationship with victim or her family is helpful.

5. Prosecutor should disclose evidence of wrongdoing as it becomes available.

How to put on a forfeiture by wrongdoing hearing

6. File a motion for Forfeiture by Wrong-doing.
    - State standard of proof (preponderance).
    - State hearsay admissible (Rule 104)
    - State wrongdoing.
    - Put alternative theories of admissibility.
        - Victim shows – 404(b) for defendant (Clear and convincing)

How to put on a forfeiture by wrongdoing hearing

7. Witnesses for FBW hearing:
    - DV expert (Police Detective)
    - Beat / patrol officer……?
    - Family?
    - Friends?
    - Neighbor?
    - Remember – hearsay is admissible……

How to put on a forfeiture by wrongdoing hearing

- You must use a Domestic Violence Expert (DV Detective) to explain how on DV victims are easily influenced by the perpetrator.
- Use specific examples / potentials from your case.

Standard of proof in forfeiture by wrongdoing hearings

- PREPONDERANCE OF THE EVIDENCE

- Davis – generally held to the preponderance of the evidence standard
- Giles – court cited commentators general opinions of the application of the federal rule, which is a preponderance of the evidence standard of proof.
- AZ Rules of Evidence follow federal rules.

Preponderance of the Evidence standard for fbw hearings

- Preponderance of the evidence is a relatively low standard of proof.
- It is higher than Probable Cause, but lower than Clear and Convincing and Beyond Reasonable Doubt.
- It is the lowest level of proof used in mainly in civil trials – “More Probably True”.
- “On any claim, the party who has the burden of proof must persuade you, by the evidence, that the claim is more probably true than not true. This means that the evidence that favors that party outweighs the opposing evidence.”

Standard of proof in forfeiture by wrongdoing hearings

- PROBABLE CAUSE
- REASONABLE CAUSE
- PREPONDERANCE OF THE EVIDENCE
- PROOF EVIDENT PRESUMPTION GREAT
- CLEAR AND CONVINCING
- BEYOND REASONABLE DOUBT

How to prepare for a fbw hearing

- Hearsay is admissible at FBW Hearing
  - AZ Rule of Evidence 104(a): Question s of admissibility generally. Preliminary questions concerning the qualification of a person to e a witness, the existence of a privilege, or the ADMISSIBILITY OF EVIDENCE shall be determined by the court, subject to the provisions of subdivision (b). In making its determination it is NOT BOUND BY THE RULES OF EVIDENCE except those with respect to privilege.

IF YOU "LOSE" THE FORFEITURE BY WRONGDOING HEARING ALL IS NOT LOST

At the time of the hearing, prosecutors should as the court to make an additional finding that defendant's other acts be admitted in the case in chief under 404(b).

This will require the court to find that the other acts have been proven as to the Clear and Convincing standard of proof.

IF YOU "LOSE" THE FORFEITURE BY WRONGDOING HEARING ALL IS NOT LOST

Evidence developed can be used to show motive, absence of mistake, knowledge, consciousness of guilt or identity.

When victim appears and is recanting, FBW evidence developed should be used to impeach the recanting witness.

SOME OF THE BENEFITS OF PURSUING FORFEITURE OF WRONGDOING

- More offenders held accountable.
- Victims empowered.
- More plea agreements (after or right before FBW) instead of dismissals.
- Juries get to hear the whole story.

Evidence Based Prosecution: Technique #7– Do Everything you can to get your victim to court!

PROSECUTE IT LIKE A MURDER SO IT DOESN'T BECOME ONE!

LOCATE VICTIMS

- Get good contact information from the victim early in the process before the victim stops cooperating.
  - Get good contact information for friends and family members who are favorable to the victim standing up to the batterer.

LOCATE VICTIMS

- Locate victims:
  - Your case agent
  - Victim's family
  - Facebook
  - Prior orders of protection
  - Employment
  - Kids' school
  - Jail calls / Defendant

LOCATE VICTIMS

- Make sure victim isn't absent:
  - Have victim ordered to appear at each court date.
  - Get victim personally served.
  - Victim advocate.
  - Let supportive friends and family know the court dates.
  - Get victim ride to and from court with escort if necessary.
  - Jail calls / Defendant

ABSENT VICTIMS

- Show the Court the efforts you made to produce the victim.
  - Demonstrate subpoena service or attempts.
  - Produce copies of reminder letters, emails, etc.
  - Show offers to provide transportation.
- Be prepared to admit non-testimonial evidence.
- Demonstrate to the court that the defendant's behavior is responsible for the victim's absence.

ABSENT VICTIMS

- When you can show the court the efforts you have made to get the victim to court:
  - The court may be less hesitant to admit out-of-court statements since you have put so much effort into locating victim.

Be proud to be a DV prosecutor!

THANK YOU.

- Jon Eliason
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